

Murdough, Joshua A.

From: Linc [clhoke1@csupomona.edu]
Sent: Thursday, May 20, 2010 7:35 PM
To: Murdough, Joshua A.
Subject: Re: claims / progress

This is outstanding. I can't thank you enough

Clare Hoke

On May 20, 2010, at 11:30 AM, Murdough, Joshua A. wrote:

Mr. Hoke,

I just got approval from my supervisor for the following claims. Unless you have an issue with something I will write up the allowance tomorrow. However, I do need you to confirm that the claims are acceptable to you. They will go into the record as new claims 47-50. If you have any questions or concerns let me know. After I turn in the allowance, it can be difficult and costly to address them.

1). A method of managing property rights of content through inclusion and enforcement of Transaction Code Identifiers (TCI's) and their licensing conditions over a network including a combination of at least three components from the group consisting of: internet providers, network providers, connectivity providers, digital content providers, servers, routers, and end user devices, as the content is distributed to a user, said method comprising:

A) placing a TCI in a header portion of a digital content file on an end user device of the network;

wherein, the presence of the TCI indicates that the digital content file contains:

copyright conditions; or

other licensing conditions;

wherein, the TCI comprises a generic section and a property specific section;

wherein, the generic section comprises:

human readable data which indicates that a transaction must occur in order to legally send the digital content file;

wherein, the property specific section comprises machine readable data,

wherein the machine readable data comprises:

the title of the content;

the owner of the content;

the price of the content; and

account information indicating where payments need to be sent;

B) watermarking the machine readable data within the TCI;

C) the owner of the content sending the machine readable data to a server for storage and later retrieval;

5/21/2010

D) sending the digital content file containing the TCI from the owner to a first component of the network;

E) verifying, by the first component of the network, that the data in the property specific section of the TCI in the distributed digital content file has not been altered;

wherein the verifying includes:

i) retrieving, from the server, the data contained in the property specific section of the TCI sent by the owner; and

ii) comparing the data retrieved from the server with the data in the property specific section of the TCI in the distributed digital content file to ensure they agree;

F) checking the server for payment information indicating that a user to which the digital content file is being distributed to has paid the indicated price to the account contained in the property specific section of the TCI;

G) requiring payment information, indicating the user's payment of the price to the account contained in the property specific section of the TCI, to be present on the server before the component will send the digital content file to a second component of the network;

H) sending the digital content file to the second component of the network;

I) if the second component is not a user device associated with the user:

iii) the second component of the network repeating steps E), F), and G); and

iv) sending the digital content file to a subsequent component of the network;

if the second component is a user device associated with the user, storing the digital content file;

J) repeating step I) for each subsequent component until the digital content file is stored on the user device associated with the user.

wherein, payment information is sent to the server for all payment transactions involving the distributed digital content file.

2) A method of managing property rights in accordance with Claim 1 further comprising:

watermarking the data within the generic section of the TCI,

detecting, by a component of the network, one of said watermarked generic TCI data and watermarked property specific TCI data within said digital content file.

3) A method of managing property rights in accordance with Claim 2 further comprising:

verifying, by one of the at least three components of the network, that the data in the TCI of the digital content file is subject to property rights management.

4) A method of managing property rights in accordance with Claim 1 further comprising:

verifying, by one of the at least three components of the network, that the data in the TCI of the digital content file is subject to property rights management.

Joshua Murdough

Patent Examiner AU 3621

U.S. Patent and Trademark Office

If nature has made any one thing less susceptible than all others of exclusive property, it is the action of the thinking power called an idea, which an individual may exclusively possess as long as he keeps it to himself; but the moment it is divulged, it forces itself into the possession of every one, and the receiver cannot dispossess himself of it.

Thomas Jefferson, Letter to Isaac McPherson, Monticello, August 13, 1813

From: Murdough, Joshua A.
Sent: Thursday, May 20, 2010 1:01 PM
To: 'Linc'
Subject: RE: claims / progress

Mr. Hoke,

My supervisor was in a meeting all yesterday afternoon, so, I was unable to talk to him until today. We have been going back and forth making changes and we feel it is getting close.

As to the amendment to claim 1, the point is that with the limitation "a combination of at least three components from the group consisting of:" you only need to have 3 components for infringement, before you would need to have all of the elements. Therefore, without the limitation, someone could argue that they do not have a network authority for example, and if it was true, they would not be infringing. With the limitation, they could have 2 end user devices and a router between them and they would still be infringing. Thus, that language is very much in your favor.

I am glad I can help with this. Because of time constraints, it is not something we are not often afforded the luxury of doing. Hopefully, I can provide you with a final set of claims that has received the approval of my supervisor by the end of today. I will let you know what we come up with, but other than getting your approval, I believe everything is now in our hands to finish.

Joshua Murdough

Patent Examiner AU 3621

U.S. Patent and Trademark Office

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Thomas Jefferson, Letter to Isaac McPherson, Monticello, August 13, 1813

From: Linc [mailto:clhoke1@csupomona.edu]
Sent: Thursday, May 20, 2010 12:39 PM
To: Murdough, Joshua A.
Subject: Re: claims / progress

Mr. Murdough,

I greatly appreciate your insights and efforts. I am also curious to the outcome of your meeting with your supervisor.

I don't entirely grasp the requirement of the restriction "a combination of at least three components from the group consisting of:" in claim 1. I'm trying to understand that.

I am also at a loss as far as proceeding from here. Are the claims we have bantered near condition of allowance? Having benefited from your insight, should I try to elaborate further? It appears you have distilled things greatly.

Sincerely

Clare L. Hoke

On May 19, 2010, at 9:45 AM, Murdough, Joshua A. wrote:

I understand your reasoning for wanting to change the watermarking step, but suggest the language below as a preferred way of wording it. Also, I amended the preamble to give a little broader scope as I currently believe the narrower scope on that limitation is not needed for patentability.

1). A method of managing property rights through inclusion and enforcement of Transaction Code Identifiers (TCI's) and their licensing conditions over a third party network including a combination of at least three components from the group consisting of: internet providers, network providers, connectivity providers, digital content providers, servers, routers, and end user devices, said method comprising:
 placing a TCI in a header portion of a digital content file;

wherein, the presence of the TCI indicates that the digital content file contains copyright or other licensing conditions and the TCI comprises:

a generic section, which further comprises:

human readable data which indicates that a transaction must occur in order to legally send the digital content file;

a property specific section comprising machine readable data, the machine readable data comprises:

the title of the content;

the owner of the content;

the price of the content; and

account information indicating where payments need to be sent;

watermarking the data within the property specific section of the TCI within the digital

content file;

sending, from the owner, the data contained in the property specific section of the TCI to a server for storage and later retrieval;

distributing the digital content file containing the TCI across the third party network;

verifying, by a component of the third party network, that the data in the property specific section of the TCI in the distributed digital content file has not been altered;

wherein the verifying includes:

retrieving, from the server, the data contained in the property specific section of the TCI sent by the owner; and

comparing the data retrieved from the server with the data in the property specific section of the TCI in the distributed digital content file to ensure they agree;

checking the server for information indicating that a user to which the distributed digital content file is being distributed to has paid the indicated price to the account contained in the property specific section of the TCI;

requiring information indicating the user's payment of the price to the account contained in the property specific section of the TCI to be present on the server before the component will continue to distribute the distributed digital content file;

continuing distribution of the distributed digital content file to the user;

wherein, payment records are sent to the server for all transactions involving the distributed digital content file.

When I got to proposed claim 2 I found an issue in the verifying step. Claim 1 requires the watermarking of the property specific data, and previously in claim 2, the watermarking of the generic data is required. Therefore, an unwatermarked TCI does not make sense. What could be done is to make claim 2 recite:

2) A method of managing property rights in accordance with Claim 1 further comprising:

watermarking the data within the generic section of the TCI,

detecting, by a component of the third party network, one of said watermarked generic TCI data and watermarked property specific TCI data within said digital content file.

Then have claim 3 be:

3) A method of managing property rights in accordance with Claim 2 further comprising:

verifying, by a component of the third party network, that the data in the TCI of the digital content file is subject to property rights management.

Adding a claim 4 that is:

4) A method of managing property rights in accordance with Claim 1 further comprising:

verifying, by a component of the third party network, that the data in the TCI of the digital content file is subject to property rights management.

As far as your proposed claim 3, I would suggest using "the property specific and generic sections of the TCI may further contain any combination of data from the group consisting of: URL codes...consumer feedback." Providing examples of the data that may also be present is not a problem but is not truly needed. Proposed claim 1 uses the terms comprising/comprises and are therefore understood to be open-ended. Claiming that the TCI contains all that extra stuff would limit the claim so that infringement would require every one of the recited pieces of data be present in order to infringe. See MPEP 2111.03 for a discussion of comprising. Also, the content in parenthesis should be removed from this list. In particular the use of "for example" is problematic. See MPEP 2173.05(d).

Proposed claim 4 seems to be missing something. It is not clear what is being substituted for what.

I will present the claims 1-4 as I set them out above to my supervisor this afternoon and hopefully I will get the go ahead on these claims.

Joshua Murdough

Patent Examiner AU 3621

U.S. Patent and Trademark Office

If nature has made any one thing less susceptible than all others of exclusive property, it is the action of the thinking power called an idea, which an individual may exclusively possess as long as he keeps it to himself; but the moment it is divulged, it forces itself into the possession of every one, and the receiver cannot dispossess himself of it.

Thomas Jefferson, Letter to Isaac McPherson, Monticello, August 13, 1813

From: Linc [mailto:clhoke1@supomona.edu]

Sent: Wednesday, May 19, 2010 11:53 AM

To: Murdough, Joshua A.

Subject: Re: claims

Further suggestions...

1). A method of managing property rights through inclusion and enforcement of Transaction Code Identifiers (TCI's) and their licensing conditions over a third party network including internet providers, network providers, connectivity providers, digital content providers, servers, routers, and end user devices, said method comprising:

placing a TCI in a header portion of a digital content file;

wherein, the presence of the TCI indicates that the digital content file contains

copyright or other licensing conditions and the TCI comprises:

a generic section, which further comprises:

human readable data which indicates that a transaction must occur in order to legally send the digital content file;

a property specific section comprising machine readable data, the machine readable data comprises:

the title of the content;

the owner of the content;

the price of the content; and

account information indicating where payments need to be sent;

watermarking the property specific information of the TCI within said digital content;

sending, from the owner, the data contained in the property specific section of the TCI to a server for storage and later retrieval;

distributing the digital content file containing the TCI across the third party network;

verifying, by a component of the third party network, that the data in the property specific section of the TCI in the distributed digital content file has not been altered;

wherein the verifying includes:

retrieving, from the server, the data contained in the property specific section of the TCI sent by the owner; and

comparing the data retrieved from the server with the data in the property specific section of the TCI in the distributed digital content file to ensure they agree;

checking the server for information indicating that a user to which the distributed digital content file is being distributed to has paid the indicated price to the account contained in the property specific section of the TCI;

requiring information indicating the user's payment of the price to the account contained in the property specific section of the TCI to be present on the server before the component will continue to distribute the distributed digital content file;

continuing distribution of the distributed digital content file to the user;

wherein, payment records are sent to the server for all transactions involving the distributed digital content file.

2) A method of managing property rights in accordance with Claim 1 further including:

watermarking said generic section within said digital content and further,

detecting by a component of the third party network said watermarked generic TCI and or property specific watermarked TCI within said digital content and further,

verifying, by a component of the third party network via TCI and or watermarked TCI that the data in said digital content is subject to property rights management;

wherein the verifying includes:

retrieving, from the server, the data contained in the property specific section of the TCI sent by the owner; and

comparing the data retrieved from the server with the data in the property specific section of the TCI in the distributed digital content file to ensure they agree;

checking the server for information indicating that a user to which the distributed digital content file is being distributed to has paid the indicated price to the account contained in the property specific section of the TCI;

requiring information indicating the user's payment of the price to the account contained in the property specific section of the TCI to be present on the server before the component will continue to distribute the distributed digital content file;

continuing distribution of the distributed digital content file to the user;

wherein, payment records are sent to the server for all transactions involving the distributed digital content file.

3). A method of managing property rights in accordance with Claim 1 further including:

said property specific and generic TCI contain URL codes, property owners, distributor information, Trademark Information, ownership breakdown, the name of the property (song title), Publisher information, descriptive text strings, requirements for purchase or transfer of ownership (or further resources if such transfer may not be accomplished directly over the Internet), product incentive information for further consumer / distributor dissemination, e-mail addresses, specific addresses to be placed within header extensions of transmissions containing said TCI's, for the purpose of preferential loose source routing of said TCI and intellectual properties, digital formatting information for formats generally known to contain digitized intellectual and copyrighted properties, further computer information such as a program (applet or Java for example), return form and route for documentation of sale, Server site information and Web Provider addresses involved in the transfer of the file, phone numbers, HTML document(s), ancillary programs, Internet domain names, file type designations (audio), time / date code, FTP information, product update information, further artist information, artist tour dates and promotional material, pass words, music or property samples, warranty and service information, disclaimers, and accommodations for consumer feedback, in the interest of promoting commerce.

4). A method of managing property rights in accordance with Claim 1 whereby:

a component of said third party network substitute, said verified digitized content, before rendering further action.